

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 11/25/2014	(3) CONTACT/PHONE Cheryl Cochran, Planner 1 / (805) 781-1366	
(4) SUBJECT Hearing for an amendment to the Health and Sanitation Ordinance, Title 8 of the County Code, changing the requirements for sellers of real property within the Los Osos Groundwater Basin to retrofit plumbing fixtures with water-efficient fixtures at time of sale. District 2.			
(5) RECOMMENDED ACTION It is recommended that the Board reintroduce the ordinance in Attachment 3 (Exhibit LRP2013-00007:C) and direct the Clerk to set for public hearing and action on January 13, 2015.			
(6) FUNDING SOURCE(S)	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT { } Consent { } Presentation {X} Hearing (Time Est. <u>30</u>) { } Board Business (Time Est. <u> </u>)			
(11) EXECUTED DOCUMENTS { } Resolutions { } Contracts { } Ordinances { } N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: { } 4/5 Vote Required {X} N/A	
(14) LOCATION MAP N/A	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY { } N/A Date: <u>4/22/08, 1/14/14, 11/4/14</u>	
(17) ADMINISTRATIVE OFFICE REVIEW Lisa M. Howe			
(18) SUPERVISOR DISTRICT(S) District 2			

County of San Luis Obispo



TO: Board of Supervisors

FROM: Planning and Building / Cheryl Cochran

VIA: Trevor Keith, Division Manager, Policy and Programs

DATE: 11/25/2014

SUBJECT: Hearing for an amendment to the Health and Sanitation Ordinance, Title 8 of the County Code, changing the requirements for sellers of real property within the Los Osos Groundwater Basin to retrofit plumbing fixtures with water-efficient fixtures at time of sale. District 2.

RECOMMENDATION

It is recommended that the Board reintroduce the ordinance in Attachment 3 (Exhibit LRP2013-00007:C) and direct the Clerk to set for public hearing and action on January 13, 2015.

DISCUSSION

Your Board is holding a hearing on the ordinance in Attachment 1. This item was introduced on November 4, 2014 and is described as follows:

County File No. LRP2013-00007A--Hearing to consider a request by the County of San Luis Obispo to amend Section 8.91 (Retrofit of Plumbing Fixtures Upon Sale in the Los Osos Groundwater Basin) of the Health and Sanitation Code (Title 8 of the County Code) to revise the existing program that requires homes and businesses in the Los Osos Groundwater Basin to retrofit plumbing fixtures prior to transfer of title. Supervisorial District: 2.

At the November 4 meeting, it was suggested that changes to the ordinance could be discussed at today's hearing regarding the definition of water-efficient urinals in commercial buildings. However, County Counsel has recommended that since specific revisions to the language were not introduced on November 4, the ordinance with revised language would need to be reintroduced at today's hearing. In addition, staff recommends revising the required maximum flow rate for water-efficient showerheads to be consistent with the California Green Building Standards Code (CalGreen). After determining the specific revisions at today's hearing, your Board could set a future public hearing for final action.

The following describes the attached ordinance amendments:

- Attachment 1 shows the proposed ordinance amendment as introduced on November 4.
- Attachment 2 shows the proposed ordinance amendment introduced on November 4 with legislative changes.
- Attachment 3 shows the proposed ordinance amendment with additional changes to language regarding urinals, which your Board requested discussing at today's hearing. Attachment 3 also includes staff-recommended changes to language regarding the required maximum flow rate for water-efficient showerheads.

- Attachment 4 is the same as Attachment 3, but it shows the legislative changes.
- Attachment 6 includes the option of requiring even more water-efficient showerheads.

If your Board wishes to adopt the proposed changes in Attachments 3 or 6, the ordinance would need to be reintroduced today and could be heard on January 13, 2015. Your Board also has the option to adopt the ordinance in Attachment 1 as introduced on November 4.

Background

Your Board established the Retrofit-on-Sale program on April 22, 2008 by amending the Health and Sanitation Code (Title 8 of the County Code). The Los Osos Retrofit-on-Sale program requires sellers of real property within the Los Osos Groundwater Basin to replace existing plumbing fixtures in homes and businesses with water-efficient plumbing fixtures prior to transfer of title.

Since 2008, the community has implemented several successful retrofit programs. The Retrofit-on-Sale program alone is saving an estimated 5,400 gallons per day (about 6 acre-feet per year). For context, this is the average water use of about 36 new homes (built to today's efficiency standards) in Los Osos. The Retrofit-to-Build program (Title 19) is saving an estimated 23,700 gallons per day (about 27 acre-feet per year). This amount is equivalent to the daily usage of 158 new homes (built to today's efficiency standards) in Los Osos. In addition, the rebate program that is run by the Public Works Department in connection with the community sewer project has resulted in the replacement of about 2,500 toilets with water-efficient models. The effect of these successful programs has been to greatly reduce the number of homes that are available for retrofitting, especially in certain areas of the community.

On January 14, 2014, your Board authorized processing of amendments to the Retrofit-on-Sale program (Title 8) and the Retrofit-to-Build program (Title 19) to address circumstances that have changed in the 6½ years since the programs' adoption. This staff report addresses the proposed amendment to the Retrofit-on-Sale program. A separate staff report addresses the proposed amendment to the Retrofit-to-Build program.

Proposed Revisions to the Retrofit-on-Sale Program

1. Discontinue the Program in the Prohibition Zone

The majority of residences in the Prohibition Zone (PZ) have already been retrofitted through the retrofit programs discussed above. In addition, residences in the PZ that have not been retrofitted will be required to retrofit prior to hooking up to the new sewer system. Therefore, staff recommends discontinuing the Retrofit-on-Sale program in the PZ. This change will eliminate administrative and retrofit costs to buyers, sellers, and representatives.

2. Revise the Efficiency Standard for Urinals in Commercial Units

Since the adoption of the Retrofit-on-Sale program in 2008, staff has received complaints about waterless urinals, mainly related to maintenance issues and odors. Cleaning waterless urinals can require special training and equipment for maintenance staff because too much water flow during cleaning can damage the fixtures. Additionally, lack of flow can lead to long term crystallization of urine in the pipes.

The Alliance for Water Efficiency acknowledges these concerns on their website, citing "issues of maintenance requirements (labor and materials), questions about the life expectancy of the liquid seal (or cartridge), concerns over build-up of urine solids (struvite) in the drain lines behind these fixtures, the undefined environmental impacts of disposed chemicals and cartridges, and, finally, issues with the economics or cost-effectiveness of non-water urinals..." While newer technology might help remedy these issues, the alliance for Water Efficiency recommends further research on this topic.

The proposed changes to Title 8 as introduced at the November 4, 2014 meeting address these complaints by requiring that urinals be retrofitted to use no more than 1.0 gallons per flush (gpf) instead of requiring waterless urinals. However, CalGreen requires that urinals in new construction use no more than 0.5 gpf. To be consistent with that requirement, the proposed amendments in Attachment 3 require that urinals in commercial structures be retrofitted upon sale to use no

more than 0.5 gpf. This would also address the complaints received about waterless urinals. Owners could select urinals certified through the US EPA's WaterSense Program. WaterSense-labeled urinals use no more than 0.5 gpf and comply with existing standards for flushing urinals. To ensure adequate performance, urinals must also be independently certified to ensure that they flush effectively and have properly functioning drain traps before they can earn the WaterSense label.

3. Revise the Efficiency Standard for Showerheads

Title 8 currently requires that showerheads use no more than 2.5 gallons per minute (gpm). CalGreen requires that showerheads in new construction use no more than 2 gpm. To be consistent with this requirement, the proposed amendments in Attachment 3 require that showerheads be retrofitted upon sale to use no more than 2 gpm. Your Board also has the option of requiring that showerheads use only 1.5 gpm, consistent with the retrofit program for the community sewer project.

4. Clarifications

Staff recommends making additional changes to the Retrofit-on-Sale program to clarify language that was unclear in the original text. The following should be exempt from program requirements:

- Existing 1.6 gallon-per-flush toilets
- Homes built after January 1, 1994, because federal and state law required water-efficient plumbing fixtures in all new construction after that date
- Historic facilities when approved by the Planning and Building Director

OTHER AGENCY INVOLVEMENT/IMPACT

The proposed amendment was referred to the Los Osos Community Advisory Council and the Los Osos Community Services District. Staff presented the proposed changes to the Los Osos Community Advisory Council on September 25. This ordinance amendment has been reviewed by County Counsel as to form and legal effect.

FINANCIAL CONSIDERATIONS

No financial impacts to the current County budget.

RESULTS

Reintroduction of this amendment today will allow it to be heard on January 13, 2015, and if adopted, to become effective on February 12, 2015. If the amendment is adopted, existing residential, commercial and other buildings built after January 1, 1994 outside of the Prohibition Zone must have their toilets, showerheads and aerators retrofitted prior to transfer of title.

ATTACHMENTS

1. Attachment 1 Exhibit LRP2013-00007:A: Amendment to Title 8 of the County Code
2. Attachment 2 Exhibit LRP2013-00007:B: Amendment to Title 8 of the County Code – Legislative Changes
3. Attachment 3 Exhibit LRP2013-00007:C: Revised Amendment to Title 8 of the County Code
4. Attachment 4 Exhibit LRP2013-00007:D: Revised Amendment to Title 8 of the County Code – Legislative Changes
5. Attachment 5 Exhibit LRP2013-00007:E: Findings
6. Attachment 6 Exhibit LRP2013-00007:F: Revised Amendment to Title 8 of the County Code, 1.5 gpm Showerheads – Legislative Changes